IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

SA.No. 900 of 1998(F)

AS.219/1995 OF DISTRICT COURT, KOLLAM
OS.124/1989 of SUB COURT, KOTTARAKKARA

APPELLANTS: ADDITIONAL APPELLANTS: ADDITIONAL PLAINTIFFS:

1. K.PARVATHY, W/O.LATE K.R.KRISHNAN ACHARYK,
KALLUVILA VEEDU, KUZHIMATHICADU,
KAREEPRA VILLAGE, KOTTARAKKARA TALUK.

2. K.INDIRA BHAI, D/O.LATE K.R.KRISHNAN ACHARY,
KALLUVILA VEEDU, AYATHIL CHERRY,
VADAKKEVILA VILLAGE, KOLLAM.

BY ADV. SRI.JOMY GEORGE

RESPONDENTS: RESPONDENTS: DEFENDANTS 1 TO 8:

1. K.BHARATHY, THONNALLOOR KIZHAKKATHIL VEEDU,
ERATHU VADAKKATHIL MURI, PATTAZHI VILLAGE FROM
PALLIPADINJATTATHIL VEEDU, THRIPPALAZHIKOM MURI,
KAREEPRA. (EXPIRED)

2. THANKAMMA, PALLIPADINJATTATHIL VEEDU,
THRIPPILAZHIKOM MURI, KAREEPRA VILLAGE.

3. C.RAJENDRAN, S/O.R.KARTHIKA, PALLIPADINJATTATHIL VEEDU,
TRRIPPILAZHIKOM MURI, KAREEPRA VILLAGE. (DIED)

4. R.KARTHIKA, PALLIPADINJATTATHIL VEEDU,
THRIPPILAZHIKOM MURI, KAREEPRA VILLAGE.

5. ALEX, S/O.MATHAI KATHANAR,
KIZHAKKEVILA VEEDU, THRIPPILAZHIKOM MURI,
KAREEPRA VILLAGE (DIED)

6. K.SIVADASAN, S/O.K.R.KRISHNAN ACHARY,
KAILAS, KUZHIMATHICADU MURI, KAREEPRA VILLAGE.

7. K.S.SREEJI, S/O.SIVADASAN, KAILAS,
KUZHIMATHICADU MURI, KAREEPRA VILLAGE.

8. K.S.SIBEE, S/O.SIVADASAN, KAILAS,
KUZHIMATHICADU MURI, KAREEPRA VILLAGE, (LUNATIC)
REPRESENTED BY FATHER AND GUARDIAN K.SIVADASAN

R2,3 & 4 BY ADV. SRI.K.RAMACHANDRAN NAIR
R5 BY ADV. SRI.K.S.SREEKUMAR

THIS SECOND APPEAL HAVING COME UP FOR ORDERS ON 17/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.T.SANKARAN, J.

S.A. NO. 900 OF 1998
and
C.M.P.NO. 2657 OF 1998

Dated this the 17th December, 2007

JUDGMENT

Though there was no representation for the appellants on 1.12.2007 when the case was posted in the defect list, ten days' time was granted to cure the defects, since a connected Second Appeal is pending. The defects are not cured. Today, there is not even a representation on behalf of the appellants. Therefore, C.M.P.No.2657 of 1998, the petition for condonation of one day's delay in filing the Second Appeal is dismissed for default.

Consequently, the Second Appeal is also dismissed.

(K.T.SANKARAN)
Judge

ahz/

K.T.SANKARAN, J.

S.A.NO. 900 OF 1998
and
C.M.P.NO. 2657 OF 1998

JUDGMENT

17th December, 2007